

Senate Bill No. 1136

Passed the Senate January 22, 1998

Secretary of the Senate

Passed the Assembly May 18, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 210, 21455.5, 22451, and 40518 of, and to repeal Sections 210, 22451, and 40518 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1136, Kopp. Vehicles: automated enforcement systems.

Existing law authorizes, until January 1, 1999, the use of automated enforcement systems at official traffic control signals and provides a special written, mailed notice to appear procedure in connection with specified alleged violations recorded by those systems.

This bill would delete the January 1, 1999, repeal date, thereby continuing indefinitely the use of the automated enforcement systems and the related special procedure.

The people of the State of California do enact as follows:

SECTION 1. Section 210 of the Vehicle Code, as amended by Section 1 of Chapter 922 of the Statutes of 1995, is amended to read:

210. An “automated enforcement system” is any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal described in Section 21450, and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

SEC. 2. Section 210 of the Vehicle Code, as added by Section 2 of Chapter 922 of the Statutes of 1995, is repealed.

SEC. 3. Section 21455.5 of the Vehicle Code is amended to read:

21455.5. (a) The limit line, the intersection, or other places designated in Section 21455 where a driver is required to stop may be equipped with an automated



enforcement system if the system is identified by signs, clearly indicating the system's presence, visible to traffic approaching from all directions, or if signs are posted at all major entrances to the city, including, at a minimum, freeways, bridges, and state highway routes.

Any city utilizing an automated traffic enforcement system at intersections shall, prior to issuing citations, commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system.

(b) Notwithstanding Section 6253 of the Government Code, or any other provision of law, photographic records made by an automated enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies for the purposes of this article.

(c) Notwithstanding subdivision (b), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

SEC. 4. Section 22451 of the Vehicle Code, as amended by Section 5 of Chapter 922 of the Statutes of 1995, is amended to read:

22451. (a) The driver of any vehicle approaching a railroad or rail transit grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed until he or she can do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.



(b) No driver shall proceed through, around, or under any railroad or rail transit crossing gate while the gate is closed.

(c) Whenever a railroad or rail transit crossing is equipped with an automated enforcement system, a notice of a violation of this section is subject to the procedures provided in Section 40518.

SEC. 5. Section 22451 of the Vehicle Code, as added by Section 6 of Chapter 922 of the Statutes of 1995, is repealed.

SEC. 6. Section 40518 of the Vehicle Code, as amended by Section 8 of Chapter 922 of the Statutes of 1995, is amended to read:

40518. (a) Whenever a written notice to appear has been issued by a peace officer or by a qualified employee of a law enforcement agency on a form approved by the Judicial Council for an alleged violation of Section 22451, or, based on an alleged violation of Section 21453, 21455, or 22101 recorded by an automated enforcement system pursuant to Section 21455.5 or 22451, and delivered by mail within 15 days of the alleged violation to the current address of the registered owner of the vehicle on file with the department, with a certificate of mailing obtained as evidence of service, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may enter a plea. Preparation and delivery of a notice to appear pursuant to this section is not an arrest.

(b) A notice to appear shall contain the name and address of the person, the license plate number of the person's vehicle, the violation charged, including a description of the offense, and the time and place when, and where, the person may appear in court or before a person authorized to receive a deposit of bail. The time specified shall be at least 10 days after the notice to appear is delivered.

SEC. 7. Section 40518 of the Vehicle Code, as added by Section 9 of Chapter 922 of the Statutes of 1995, is repealed.



Approved _____, 1998

Governor

